

ANNE MILGRAM  
ATTORNEY GENERAL OF NEW JERSEY  
Division of Law, 5th Floor  
124 Halsey Street  
P.O. Box 45029  
Newark, New Jersey 07101  
Attorney for the New Jersey Alcohol and Drug  
Counselor Committee of State Board of  
Marriage and Family Therapy Examiners

By: Nancy Costello Miller  
Deputy Attorney General  
Tel. (973) 648-4735

**FILED**  
*[Signature]* 7/8/2008  
STATE OF NEW JERSEY  
BOARD OF MARRIAGE AND FAMILY THERAPY EXAMINERS  
ALCOHOL AND DRUG COUNSELOR COMMITTEE

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
ALCOHOL AND DRUG COUNSELOR  
COMMITTEE OF STATE BOARD OF MARRIAGE  
AND FAMILY THERAPY EXAMINERS

IN THE MATTER OF THE  
APPLICATION OF

**LUIS E. HERNANDEZ**

FOR LICENSURE TO PRACTICE  
ALCOHOL AND DRUG COUNSELING  
IN THE STATE OF NEW JERSEY

Administrative Action

**CONSENT ORDER OF  
LICENSURE WITH  
RESTRICTIONS**

This matter was opened before the Alcohol and Drug Counselor Committee of the New Jersey State Board of Marriage and Family Therapy Examiners ("Committee") upon receipt of an application from Luis E. Hernandez ("respondent") for licensure as an alcohol and drug counselor. Following review of the application and background information, the Committee, in December 2005, issued a Provisional Order of Denial of Licensure, which preliminarily found that respondent had engaged in professional misconduct in the State of

Florida by fraternizing with a counselor he was supervising and by holding a client's money in his personal checking account. The Order invited respondent to supply information for the Committee's consideration and/or to seek modification or dismissal prior to finalization of that order.

Respondent did not submit anything in response to the Provisional Order within the time frame provided. Nonetheless, the Committee offered respondent one final opportunity to reply and advised respondent if he failed to do so, the Committee would conclude that the allegations in the provisional order were true. In response, by letter dated June 16, 2006, Mr. Hernandez advised the Committee that he would "accept the consent order as written." Concerned that respondent did not understand the process, the Committee entered into discussions with him. Based on those discussions, the Committee determined that additional information would assist it in its review of respondent's application. The Committee directed respondent to submit to a psychological evaluation.

The Committee has now had an opportunity to review the report of Frank J. Dyer, Ph.D., a licensed New Jersey psychologist. Based on his examination, Dr. Dyer has concluded that while respondent has not yet gained adequate insight into his behavior, "[h]is psychological conflicts evidently do not interfere with his ability to counsel difficult clients under the supervision of an employer." In light of that evaluation and other information in the application record, the Committee has concluded that it will issue respondent a license to practice with restrictions and conditioned on his compliance with certain requirements. Respondent shall be required to attend psychotherapy sessions as directed by this order, with quarterly reports to the Committee, shall attend and successfully complete a Committee approved ethics course, and shall not engage in independent practice of alcohol and drug counseling for a minimum of one year and until further review by the Committee. With these restrictions, the Committee finds that the public health, safety, and welfare will be adequately

protected. Upon respondent's signing of this order, the Committee has agreed to finalize its Provisional Order through the entry of this consent order.

THEREFORE, IT IS ON THIS 8<sup>th</sup> DAY OF May, 2008,  
ORDERED AND AGREED

1. Upon payment of all applicable fees, a restricted license to practice alcohol and drug counseling as a certified alcohol and drug counselor will be issued to Luis Hernandez, which license is conditioned upon his compliance with the terms of this order.
2. Respondent shall attend individual, insight-oriented psychotherapy to include boundary issues, with a Committee approved psychotherapist at least once per week on an ongoing basis, until such time as the therapist recommends termination and the Committee approves that termination. Respondent shall cause the therapist to provide quarterly reports to the Committee regarding his progress in therapy and the therapist shall immediately report to the Committee in writing any information that reflects that respondent is not able to practice alcohol and drug counseling consistent with the public health, safety, and welfare.
3. Respondent shall not engage in the independent practice of alcohol and drug counseling for a minimum period of one year. Respondent shall engage in practice only in a supervised setting. Respondent shall provide a copy of this order to his supervisor(s) who shall acknowledge their obligations by signing a copy of the order, which respondent shall return to the Committee. Respondent shall cause his supervisor(s) to provide quarterly reports to the Committee regarding his practice. Such supervisors shall immediately report to the Committee in writing any information that respondent has engaged in behavior that raises issues regarding appropriate professional boundaries, or that is in violation of any statute or regulation governing the practice of alcohol and drug counseling, or that reflects that respondent is not able to practice alcohol and drug counseling consistent with the public


health, safety, and welfare. Respondent shall provide the Committee with a list of all places of employment and supervisors in each setting.

4. Respondent shall fully attend, successfully complete, and pass an ethics course prior to issuance of his license. Respondent shall complete either the ProBE (Professional Problem Based Ethics) course offered by The Ethics Group, 89 Summit Avenue, Suite 185, Summit, New Jersey 07901, or the PRIME (Professional Renewal in Medicine through Ethics) course offered by the Center for Continuing Education in the Health Professions at UMDNJ-Robert Wood Johnson Medical School, 97 Paterson Street, Room 124, New Brunswick, New Jersey 08903. Documentation of full attendance and successful completion of the course shall be provided to the Committee prior to issuance of his license.

5. Upon receipt of reliable information that respondent has violated the terms of this order or has engaged in conduct that violates any statute or regulation administered by the Committee, the Committee may move on short notice to temporarily suspend respondent's license to practice alcohol and drug counseling in this State and, after an opportunity to be heard, to impose such discipline as appropriate.

6. This order resolves all issues raised by the Provisional Order of Denial of License entered in December 2005.

ALCOHOL AND DRUG COUNSELOR COMMITTEE OF  
THE STATE BOARD OF MARRIAGE AND  
FAMILY THERAPY EXAMINERS

  
By: Edward Reading, Ph.D., LCADC  
Committee Chair

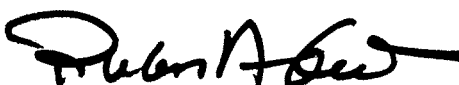
I have read and understand this consent order and agree to be bound by its terms. I consent to the entry of this order.

  
Luis E. Hernandez

5/1/8  
Date

I have read and understand the terms of this consent order as it relates to the obligations of a supervisor for the licensee.

I agree to supervise Mr. Hernandez and to comply with the terms of this consent relating to that supervision.

  
(signature)

Ruben Abreu, MS LCAAC CCS CPS CJC.  
(print name and degree and license held)

5/1/08  
Date